

Appln. No. 10/625,619
Amendment dated March 21, 2005
Reply to Office Action mailed December 20, 2004

REMARKS

Reconsideration is respectfully requested.

Claims 1 through 29 remain in this application. No claims have been cancelled, withdrawn, or added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Part 1 of the Office Action

The drawings have been objected to.

Submitted herewith to the Examiner is applicant's proposed amendment of the drawing. Specifically, in Figures 1, 2, and 3 of the drawings as originally filed, the reference numbers "27", "37", "30", "39", "55", "57", and "58" have been added.

In light of the proposed drawing amendment, it is therefore submitted that the objection to the drawings as originally filed has been overcome, and withdrawal of the objection to the drawings is respectfully requested.

Part 2 of the Office Action

The specification has been objected to for the informalities noted in the Office Action.

The specification has been amended in a manner believed to clarify any informalities in the language, particularly at the points identified in the Office Action.

Withdrawal of the objection is respectfully requested.

Part 3 of the Office Action

Claims 2 through 6 and 11 through 29 have been rejected under 35 U.S.C. §112 (first paragraph) as containing subject matter which was not

Appln. No. 10/625,619
Amendment dated March 21, 2005
Reply to Office Action mailed December 20, 2004

described in the specification in such a way as to enable one skilled in the art to make and/or use the invention.

The above amendments to the claims are believed to clarify the requirements of the rejected claims, especially the particular points identified in the Office Action.

Withdrawal of the §112 (first paragraph) rejection of claims 2 through 6 and 11 through 29 is respectfully requested.

Part 4 of the Office Action

Claims 3, 9 and 11 through 29 have been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

The above amendments to the claims are believed to clarify the requirements of the rejected claims, especially the particular points identified in the Office Action.

Withdrawal of the §112 rejection of claims 3, 9 and 11-29 is therefore respectfully requested.

Part 5 of the Office Action

Claims 1 through 3 and 7 through 10 have been rejected under 35 U.S.C. §102(b) as being anticipated by Roach (US Patent No. 1,320,275).

Claim 1, particularly as amended, requires "wherein said first jaw assembly has a first abutting surface and said second jaw assembly has a second abutting surface, said first abutting surface and said second abutting surface abutting the portion of the tool when said second jaw assembly is in the retaining position" and "wherein a position of the second abutting surface on said second jaw assembly is adjustable between a plurality of positions in a manner such that an angle between said first abutting surface and said second abutting surface is uniform at each of said plurality of

Appln. No. 10/625,619
Amendment dated March 21, 2005
Reply to Office Action mailed December 20, 2004

positions of said second abutting surface". This feature of the claimed invention ensures that the abutting surfaces remain in the same orientation as the second abutting surface is adjusted, so that the character is the gripping of the portion of the tool is not changed and compromised as the position of the second abutting surface is adjusted.

The Roach patent shows a base 10 and a pressure clamp 16 that are pivotally connected together, and a bracket 20 that merely presses the pressure clamp and base toward each other, and the inward surfaces of the base and clamp change and the relatively angle therebetween constantly changes. While this type of relationship may be suitable for emptying a tube of toothpaste, it is submitted to not be suitable for effectively gripping a portion of a tool, as it would simply be more likely to squeeze the portion out of the space between the base and pressure clamp. It is therefore submitted that the Roach patent could not lead one of ordinary skill in the art to the relationship required by claim 1 as amended.

Further, claim 3 requires that "said first jaw assembly includes a pair of first abutting surfaces, *said pair of abutting surfaces converging toward each other in a substantially upward direction* when said mounting assembly is mounted on the structure, and diverging away from each other in a substantially downward direction when said mounting assembly is mounted on the structure" and claim 9 requires that "said pair of abutting surfaces are oriented *substantially perpendicular to each other*". It is submitted that the Roach patent would not lead one of ordinary skill in the art to the requirements of claim 3.

Claim 7 requires that "an orientation of said second abutting surface at each of said plurality of positions is parallel to other of said plurality of positions". It is submitted that the pivotally connected elements of the Roach patent do not produce the relationship required by claim 7.

Appln. No. 10/625,619
Amendment dated March 21, 2005
Reply to Office Action mailed December 20, 2004

It is therefore submitted that the Roach patent would not lead one of ordinary skill in the art to the applicant's claimed invention as defined in claim 1, especially with the requirements set forth above, and therefore it is submitted that claim 1 is allowable over the prior art. Further, claims 2 through 10, which depend from claim 1, also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Withdrawal of the §102(b) rejection of claims 1 through 3 and 7 through 10 is therefore respectfully requested.

Part 7 of the Office Action:

Claims 11 through 29 have been indicated as being allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st and 2nd paragraph, set forth in the Office Action. It is submitted that the above amendments overcome the objections to these claims, and it is also submitted that these claims are in condition for allowance..

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

LEONARD & PROEHL, Prof. L.L.C.

By _____ Date: _____
Jeffrey A. Proehl (Reg. No. 35,987)
LEONARD & PROEHL, Prof. L.L.C.
3500 South First Avenue Circle, Suite 250
Sioux Falls, SD 57105-5807
(605)339-2028 FAX (605)336-1931